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LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-034

AN ORDER to renumber and amend DWD 120.02 (2) (b) and (c); to amend DWD 120.01, 120.02, 128.02 (1) (a), (b) and (c) and 150.05; and to create DWD 120.03, 128.02 (2) (a) and 129.01 (4) (e), relating to ability to and availability for work, unemployment insurance (UI) notices and forms, and exceptional circumstances for failing to apply for UI.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

02-27-98 RECEIVED BY LEGISLATIVE COUNCIL.

03-20-98 REPORT SENT TO AGENCY.

RNS:RJC:kjf:jt

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CLEARINGHOUSE RULE 98-034

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

- a. The parenthetical material in s. DWD 120.01 should either be worked into the text or placed in a note. In addition, "etc." should be deleted; if it is deemed necessary to show that the items listed are only examples, the word "include" or "including" could be used.
- b. In SECTION 2 of the rule, "(title)" should be inserted before the amended title. [See s. 1.05 (3), Manual.]
- c. In several provisions of the rule, "the" should replace "such."
- d. In s. DWD 120.03 (a), the reference to s. 108.02 (15) (k) 19., Stats., at the beginning of the paragraph is awkward and does not appear to be needed. If it is desirable to include a cross-reference to the statutory provision, one could be provided in a note to the rule. (Note that subdivision numbers should be followed by a period.) Also, in the last sentence of par. (a), a reference is made to "in the manner prescribed by the department." What is this "manner"? Is it the "manner" described in par. (b)? An appropriate cross-reference would help clarify the rule.
- e. SECTIONS 4, 5 and 6 of the rule could be combined into one SECTION. [See s. 1.04 (2) (a) 4, Manual.]
- f. In SECTION 10 of the rule, the subdivisions need to be better tied to the rest of the paragraph. It appears that the subdivisions specify how the department will determine whether

the telephone system is inoperable or unavailable. Perhaps the unity of the provision would be enhanced by including at the end of what is apparently introductory material a phrase similar to the following: "The telephone initial claims system shall be considered inoperable or unavailable if all of the following occur:". The subdivisions could then be restructured to better explain the criteria that will have to be met. In addition, although subd. 2. indicates that the system will be considered inoperable or unavailable if a busy signal occurs, is this the only test for whether a busy signal results from an "overload of telephone calls"? What if the system is just broken due to a computer malfunction or power outage? The rule should be clarified.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The reference to "the restriction" in s. DWD 128.02 (1) (c) is not clear. Could the phrase be modified to read "the limitation in par. (a)"?

b. Section DWD 150.05 (intro.) refers to the Employment Security Division. Is this still the appropriate name, or should the rule refer to the Unemployment Insurance Division?

Tommy G. Thompson
Governor

Linda Stewart
Secretary



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**State of Wisconsin
Department of Workforce Development**

July 15, 1999

JUL 16 1999

President of the Senate
220 South, State Capitol
Madison, Wisconsin 53702

Speaker of the Assembly
211 West, State Capitol
Madison, Wisconsin 53702

Notice of Administrative Rules in Final Draft Form

Clearinghouse rule number: 98-034

Rule number: DWD 120, 128, 129, and 150

Relating to: Ability to and availability for work, unemployment insurance
notices and forms, and exceptional circumstances for failing to
apply for UI

Dear Senator Risser and Representative Jensen:

I have enclosed proposed rules and a rule report for referral to the appropriate legislative standing committees. The report consists of a summary of the public hearing comments and the agency response, Legislative Council Rules Clearinghouse Report and the agency response, a fiscal estimate, and a regulatory flexibility analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Linda Stewart'.

Linda Stewart, Ph.D.
Secretary



State of Wisconsin
Department of Workforce Development

Rules in Final Draft Form

Rule number: DWD 120, 128, 129, and 150

Clearinghouse rule number: 98-034

Relating to: Ability to and availability for work, unemployment insurance notices and forms, and exceptional circumstances for failing to apply for unemployment insurance

The Wisconsin Department of Workforce Development proposes an order to renumber and amend DWD 120.02(2)(a) and (b); to amend DWD 120.01, 120.02(title), 120.02, 128.02(1)(a), (b), and (c), and to repeal and recreate DWD 150.05; and to create DWD 120.03; 128.02(2)(a), and 129.01(4)(e) relating to ability to and availability for work, unemployment insurance (UI) notices and forms, and exceptional circumstances for failing to apply for UI.

STATUTORY AUTHORITY: ss. 103.005(1), 108.14(2), and 227.11(2), Stats.

STATUTES INTERPRETED: ss. 108.02(15)(k) 14 and 19, 108.04(2), and 108.08, Stats.

**ANALYSIS OF PROPOSED RULES PREPARED BY THE DEPARTMENT OF
WORKFORCE DEVELOPMENT:**

UI Notices and Forms

DWD 120 specifies certain required, employer provided notices concerning unemployment insurance (UI) benefits. Section DWD 120.01 requires employers to post notices advising employees of their right to claim UI benefits. This amendment updates old language to current language (for example, from “unemployment compensation” to “unemployment insurance”).

Under s.108.02(15)(k)14, Stats., an individual who works for a fresh perishable fruit or vegetable processing employer, exclusively within that employer's active processing season, is not eligible for Unemployment Insurance (UI) benefits based on that work unless certain conditions are met. Section DWD 120.02 requires processing employers to provide special notice to their employees to inform them of their possible ineligibility for UI benefits. This amendment specifies when notice must be given and describes what information must be provided.

Under s. 108.02(15)(k)19, Stats., an individual who works for a designated seasonal employer is not eligible for UI benefits unless certain conditions are met. An otherwise ineligible employee will nonetheless be eligible for benefits if the employer fails to provide a special written notice of the possibility of ineligibility to the employee before he or she

begins performing services. Section DWD 120.03 describes when an employee will be ineligible for UI benefits based on his or her seasonal employment and describes the special notice requirements, including a division provided form which may be used to provide notice.

Section DWD 150.05 is amended to remove an obsolete form relating to work for processing employers, and to add a new form relating to work for designated seasonal employers.

Able to and Available for Work: Grace Periods

Under s. 108.04(2), Stats., UI claimants must be able to and available for work (A&A). This helps ensure that only those with a true attachment to the workforce receive UI benefits.

DWD 128 describes when a claimant will be considered A&A. When a claimant has restrictions which are outside his or her control, such as a physical limitation, he or she is still considered A&A if he or she can perform at least 15% of the suitable work in his or her labor market. If a claimant cannot perform at least 15% of the suitable work, his or her attachment to the workforce has been too severely compromised by the restriction.

However, even if the uncontrollable restriction limits a claimant to less than 15% of the suitable work, he or she may be granted a "grace period" during which he or she will nonetheless be considered A&A. Eligibility for such a grace period requires that wages earned in the preceding 26 weeks have been earned while experiencing the uncontrollable restriction. Duration of the "grace period" depends on how much of those wages were so earned. This provision is based on the belief that if a person has had a job and worked for a substantial period of time with the uncontrollable restriction, then he or she had established at least some attachment to the workforce despite the restriction.

Paragraph DWD 128.02(2)(a) creates an on-going "grace period" for claimants when all of the wages earned in the immediately preceding 26 weeks were earned while experiencing the uncontrollable restriction. It is believed that such claimants have demonstrated a true attachment to the workforce despite the restriction.

Section 128.02(1) is amended to include psychological restrictions in the description of uncontrollable restrictions. However, this is not a substantive change since courts have interpreted the current language concerning physical restrictions to include psychological restrictions as well. It also expands applicability of the "grace period" to include those whose work was terminated for a reason unrelated to the restriction (in addition to those who have been laid off).

Exceptional Circumstances for Failing to Apply for UI

DWD 129 describes the procedures involved in filing a claim for UI benefits. Claimants are only eligible for benefits as of the week in which they first file a claim. This requirement may be waived under certain exceptional circumstances. Section 129.01(4)(e) expands exceptional circumstances to include when a claimant tries to initiate a claim using the telephone initial claims system but is unable to do so because the telephone system is overloaded or unavailable to a specified degree.

Statement of Scope

No Statement of Scope has been filed because the work on these proposals began before 4/1/96.

SECTION 1. DWD 120.01 is amended to read:

DWD 120.01 NOTICE-POSTERS AS TO CLAIMING UNEMPLOYMENT BENEFITS. Each covered employer shall keep ~~his or her~~ employees informed ~~as to~~ about unemployment insurance under ch.108, Stats., by posting appropriate notice-posters supplied to the employer by the employment security unemployment insurance division. ~~Such~~ The notices shall be permanently posted by each such employer at suitable points ~~(on bulletin boards, near time clocks, etc., where all employees will readily see them)~~ in each of the employer's work-places and establishments in Wisconsin. Suitable points for posting the notices include: on bulletin boards, near time clocks, and other places where all employees will readily see them.

SECTION 2. DWD 120.02(title)and 120.02 are amended to read:

DWD 120.02 SPECIAL NOTICES, FOR CERTAIN CANNERY FRESH PERISHABLE FRUIT OR VEGETABLE PROCESSING EMPLOYEES. An employer engaged in the canning processing of fresh perishable fruits or vegetables shall, ~~pursuant to instructions from the employment security division,~~ give a special notice ~~(on the division's form UC-303E)~~ to any employee who works ~~will work~~ for the employer only during an the "active canning processing season" under s. DWD 145.01, ~~to.~~ The special notice shall be provided or posted when the employee commences work and inform such the employee as to his or her special status under the law of the possibility that wages earned in processing employment will be excluded from consideration when determining his or her eligibility for unemployment insurance benefits. The special notice may be provided by posting appropriate posters at suitable points where all employees may readily see them.

SECTION 3. DWD 120.03 is created to read:

DWD 120.03 SPECIAL NOTICES FOR CERTAIN SEASONAL EMPLOYEES.

(a) Under s. 108.02(15)(k)19., Stats., if an individual has received special written notice from an employer which has been designated by the department as a seasonal employer, work for that employer is excluded employment unless the individual is employed by the seasonal employer for at least 90 days in a season that includes any portion of the individual's base period or the individual has earned at least \$500 from another employer during the applicable base period. Failure to provide the special notice negates the exclusion and the employment is included in covered employment for unemployment insurance purposes.

(b) The special written notice shall be provided by the seasonal employer, on either the division's form UCB-9381-P or an equivalent, prior to the individual's performance of services. The special notice shall inform the employee of the possibility that wages earned in seasonal employment will be excluded from consideration when determining his or her eligibility for unemployment insurance benefits.

SECTION 4. DWD 128.02(1)(a), (b), and (c) are amended to read:

DWD 128.02(1)(a) The claimant's physical or psychological condition, or personal circumstances over which the claimant has no control limit the claimant to less than 15% of the opportunities for suitable work, as specified under s. DWD 128.01(2)(b);

(b) The claimant is able to and available for work under the same conditions which applied to the claimant's most recent period of employment; and

(c) The claimant's most recent separation from work was due to a layoff or a termination of the employment relationship unrelated to the limitation in par. (a).

SECTION 5. DWD 128.02(2)(a) is renumbered DWD 128.02(2)(b) and amended to read:

DWD 128.02(2)(b) If at least two-thirds of all of the wages paid in the 26-week period immediately preceding the week in which the claimant initiates the benefit claim were earned under substantially the same conditions as applied to his or her most recent employment, the department shall grant the claimant a grace period of 6 weeks beginning with the week after the week in which the claimant's layoff or termination occurred.

SECTION 6. DWD 128.02(2)(a) is created to read:

DWD 128.02(a) If all of the wages paid in the 26-week period immediately preceding the week in which the claimant initiates the benefit claim were earned under substantially the same conditions as applied to his or her most recent employment, the department shall grant the claimant a continuing grace period beginning with the week after the week in which the claimant's layoff or termination occurred.

SECTION 7. DWD 128.02(2)(b) is renumbered DWD 128.02(2)(c) and amended to read:

DWD 128.02(2)(c) If at least one-third but less than two-thirds of all of the wages paid in the 26-week period immediately preceding the week in which the claimant initiates the benefit claim were earned under substantially the same conditions as applied to his or her

most recent employment, the department shall grant the claimant a grace period of 3 weeks beginning with the week after the week in which the claimant's layoff or termination occurred.

SECTION 8. DWD 129.01(4)(e) is created to read:

DWD 129.01 (4) (e) The claimant made an unsuccessful attempt to access the telephone initial claims system during a week when the system was inoperable or was unavailable for more than 40% of the time the system is scheduled to be staffed by claimstakers during that week. The times during which the system is inoperable or unavailable will be measured as follows:

1. Each day during the week will be divided into half hour time periods, beginning with the time when the system is first scheduled to be staffed by claimstakers and ending with the time when the system is scheduled to no longer be staffed by claimstakers.
2. The system will be considered to be inoperable or unavailable for any such half hour time period during which a busy signal occurs or during which the system is not operating.

SECTION 11. DWD 150.05 is repealed and recreated to read:

DWD 150.05 FORMS. Copies of forms used by the Unemployment Insurance Division may be obtained by writing the Unemployment Insurance Division, P. O. Box 7905, Madison, Wisconsin 53707.

Note:	Form Number	Title or Similar Description
	(1) Coverage.	Wisconsin Employer's Report
	(a) UCT-1	Employer's Report as to Wis. U.I. Coverage
	(b) RC-1	Election to Cover Multi-state Workers
	(c) UCT-115	Report of Business Transfer
	(d) UCT-117	Computation of Partial Transfer Percentage
	(e) UCT-119	Benefit Payment Allocation Report
	(2) Contributions.	
	(a) UCT-101	Employer's Quarterly Contribution Report
	(b) UC-101a	Instructions for Completing Form UC-101
	(c) UCT-100B	Notice of Employer's Contribution Rate
	(3) Benefit notices and reports, required of employers.	
	(a) UCB-201-P	Handbook for Employers
	(b) UCB-7-P	Notice Poster, How to Claim Unemployment Benefits
	(d) RC-2	Special Notice, for Multi-State Employees
	(e) UCB-16	Separation Notice
	(f) UCB-23	Wage Verification Eligibility Report
	(g) UCB-23Q35	Wage Verification Eligibility Report

(h) UCB-9381-P Seasonal Employment Notice

(4) Benefit claims and payments.

(a) UCB-10-P Claiming Wisconsin Unemployment Benefits

(b) UCB-17 Claim Card

(5) Settlement of contested benefit claims.

(a) UCB-18 Fact Finding Interview Notice

(b) UCB-474 Physician's Report, for Determining Eligibility

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

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Rule Report

Rule Number: DWD 120, 128, 129, and 150

Clearinghouse Rule Number: 98-034

Relating to: Ability to work and availability for work; unemployment insurance notices and forms, and exceptional circumstances for failing to apply for unemployment insurance

Agency contact person for substantive questions.

Name: Gregory A. Frigo
Title: Director, UI Legal Affairs Bureau
Phone Number: 608-266-3189

Agency contact person for internal processing.

Name: Elaine Pridgen
Title: Administrative Rules Coordinator
Phone Number: 608-267-9403

Agency statutory authority under which the agency intends to promulgate the rules.

Sections 103.005(1), 108.14(2), and 227.11(2), Stats.

Reason for the proposed rules.

To update language and lists of department forms, to describe what information must be included in a special notice to certain employees of designated seasonal employers, to specify an exceptional circumstance which would allow waiver of the mandate that a UI claimant is only eligible for benefits as of the week in which he or she first applies, and to provide an on-going "grace period" during which claimants with uncontrollable restrictions who have nonetheless demonstrated a substantial attachment to the workforce will be considered "able to and available for work" for UI purposes.

There were no public comments received on this rule.

Tommy G. Thompson
Governor

Linda Stewart
Secretary



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State of Wisconsin
Department of Workforce Development

Response to Legislative Council Clearinghouse Report

Clearinghouse Rule Number: 98-034

Rule Number: DWD 120, 128, 129, and 150

Relating To: Ability to and availability for work, unemployment insurance notices and forms, and exceptional circumstances for failing to apply for unemployment insurance

Agency contact person for substantive questions.

Name: Greg Frigo
Title: Director, UI Legal Affairs Bureau
Telephone Number: 608/266-3189

Legislative Council report recommendations accepted in whole.

☐ Yes ☒ No

1. Review of statutory authority (s.227.15(2)(a))
 - a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached

2. Review of rules for form, style and placement in administrative code (s.227.15(2)(c))
 - a. ☐ Accepted
 - b. ☒ Accepted in part
 - c. ☐ Rejected
 - d. ☒ Comments attached

3. Review rules for conflict with or duplication of existing rules (s.227.15(2)(d))
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
4. Review rules for adequate references to related statutes, rules and forms (s.227.15(2)(e))
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness (s.227.15(2)(f))
- a. ☒ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations (s.227.15(2)(g))
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached
7. Review rules for permit action deadline (s.227.15(2)(h))
- a. ☐ Accepted
 - b. ☐ Accepted in part
 - c. ☐ Rejected
 - d. ☐ Comments attached

Comments

2. Form, Style, and Placement in the Administrative Code

Made all changes except for (d). Use of the statutory reference at the beginning of the paragraph is common in unemployment insurance administrative rules and is considered to be informative and user friendly. Notes are less easily noticed and may be less often read.

LRB or Bill No./Adm. Rule No.
DWD 120, 128, 129 & 150
Amendment No. if Applicable

☒ ORIGINAL ☐ UPDATED
☐ CORRECTED ☐ SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/94)

Subject

UI notices & forms; Ability to work & availability for work: grace periods; & Exceptional circumstances for failing to apply for UI

Fiscal Effect

State: ☒ No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

☐ Increase Costs - May be possible to Absorb Within Agency's Budget ☐ Yes ☐ No

☐ Increase Existing Appropriation ☐ Increase Existing Revenues
☐ Decrease Existing Appropriation ☐ Decrease Existing Revenues
☐ Create New Appropriation

☐ Decrease Costs

Local: ☒ No local government costs

1. ☐ Increase Costs
☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs
☐ Permissive ☐ Mandatory

3. ☐ Increase Revenues
☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues
☐ Permissive ☐ Mandatory

5. Types of Local Governmental Units Affected:
☐ Towns ☐ Villages ☐ Cities
☐ Counties ☐ Others _____
☐ School Districts ☐ WTCS Districts

Fund Sources Affected

☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Ch. 20 Appropriations**Assumptions Used in Arriving at Fiscal Estimate**

The proposed changes have no significant fiscal effect. The changes involve administrative activities such as replacing forms, specifying a method for determining when telephone lines are busy, defining exceptional circumstances, and substituting the term "unemployment insurance" for "unemployment compensation". The fiscal effects of any policy changes underlying changes in forms, etc. were included in fiscal notes to laws changed in the 1995 session.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

DWD, UI / Barbara J. Unger (608) 266-6997

Authorized Signature/Telephone No.

Edward Bernstein 266-9427

Date

2/27/98

FISCAL ESTIMATE WORKSHEET**1997 Session**Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)☒ ORIGINAL ☐ UPDATED
☐ CORRECTED ☐ SUPPLEMENTALLRB or Bill No./Adm. Rule No.
DWD 120, 128, 129 & 150

Amendment No.

Subject

UI notices & forms; Ability to work and availability for work: grace periods; & Exceptional circumstances for failing to apply for UI

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations - Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 0	\$ 0
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
III. State Revenues -		Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$ 0	\$ 0

NET ANNUALIZED FISCAL IMPACTSTATELOCAL

NET CHANGE IN COSTS \$ 0 \$ 0

NET CHANGE IN REVENUES \$ 0 \$ 0

Agency/Prepared by: (Name & Phone No.)
DWD, UI / Barbara J. Unger, (608) 266-6997

Authorized Signature/Telephone No.

Barbara J. Unger 266-9427

Date

2/27/98

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Workforce Development

CLEARINGHOUSE RULE NO. : 98-034

RULE NO.: DWD 120, 128, 129, & 150

RELATING TO: UI notices & forms; Ability to work and availability for work; grace periods; & Exceptional circumstances for failing to apply for UI

☐ Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

Most of the changes in this packet are mere language changes or clarification of statutes already in existence. These changes do not substantively affect any small employers other than to make the law easier to understand. However, all Wisconsin employers covered under the unemployment insurance statute may be affected by the expansion of the definition of "exceptional circumstances" and the creation of an on going "grace period". Nonetheless, these do not involve any compliance or reporting requirements but are merely used by the department as part of its administrative process.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

None.

3. Nature and estimated cost of preparation of any reports by small businesses.

None.

4. Nature and estimated cost of other measures and investments required of small businesses.

None.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small business.

Not applicable.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

Not applicable.